

REMARKS

Applicants appreciate the Examiner's thorough consideration provided in the present application. Claims 1-20 are currently pending in the instant application. Claims 1, 2, 7 and 9 have been amended and claim 17 has been added. The subject matter of additional claim 17 is fully supported by the original written description, including, but not limited to FIG. 8 and the corresponding description in the specification at pages 6-9 of the specification. The subject matter of additional claims 18-20 is fully supported by the original written description, including, but not limited to, pages 6-7 of the specification and FIG. 4 (see element 51). Claims 1, 2 and 9 are independent. Reconsideration of the present application is earnestly solicited.

Priority

Applicants appreciate the Examiner's indication of acceptance of the certified copy of the corresponding priority document for the present application.

Drawings

Applicants appreciate the Examiner's indication of acceptance of the formal drawings filed on August 22, 2003. Although the Office Action

summary did not positively state (some of the boxes were not checked) that these drawings have been approved by the Examiner, the Examiner confirmed via telephonic interview with Applicants' representative on January 3, 2005 that the drawings have in fact been approved. Accordingly, Applicants do not have to take any further action with respect to the drawings.

Claim Rejection Under 35 U.S.C. § 112

Claim 7 has been rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter of the claimed invention. This rejection is respectfully traversed.

In light of the foregoing amendments to the claims, Applicants respectfully submit that these rejections have been obviated and/or rendered moot. However, Applicants respectfully submit that the foregoing amendments have been made to merely clarify the claimed invention as these alleged informalities should have been merely objected to by the Examiner.

Without conceding the propriety of the Examiner's rejections, but merely to timely advance the prosecution of the application, Applicants have incorporated the changes recommended by the Examiner. However, Applicants submit that the requested changes do not appear to either raise a substantial

question of the patentability of the claimed invention nor do they narrow the scope of the claimed invention.

Claim Rejection Under 35 U.S.C. § 102

Claims 1, 3, 5 and 8 have been rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Tanaka et al. (U.S. Patent No. 6,269,896). Claims 2, 4, 9-12 and 16 have been rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Sako (U.S. Patent No. 6,336,579). These rejections are respectfully traversed.

In light of the foregoing amendments to the claims, Applicants respectfully submit that all of the rejections have been obviated and/or rendered moot. Without conceding the propriety of the Examiner's rejection, but merely to expedite the prosecution of the present application, Applicants have amended claims 1, 2 and 9 to clarify the invention for the benefit of the Examiner. Specifically, Applicants submits that the prior art of record fails to teach or suggest each and every limitation of the unique combination of limitations of the claimed invention. Accordingly, this rejection should be withdrawn.

With respect to claim 1, the prior art of record fails to teach or suggest the unique combination of limitations of the claimed invention, including the

feature(s) of: "said engine guard further including a hollow portion formed into a substantial U-shape, said hollow portion including a horizontal segment extending transversely away from a side of said chassis frame in a horizontal direction, a vertical segment extending generally parallel to the side of the chassis frame, and an inclined segment extending at an inclined angle downwardly away from a lower portion of said vertical segment and toward said chassis frame, wherein an inner side of said engine guard at the chassis frame is formed with the inclined segment opposing an exterior surface of said engine." Accordingly, this rejection should be withdrawn.

With respect to claim 9, the prior art of record fails to teach or suggest the unique combination of limitations of the claimed invention, including the feature(s) of: "said engine guard further including: a hollow portion formed into a substantial U-shape, said hollow portion including a horizontal segment extending transversely away from a side of said chassis frame in a horizontal direction, a vertical segment extending generally parallel to the side of the chassis frame, and an inclined segment extending at an inclined angle downwardly away from a lower portion of said vertical segment and toward said chassis frame, wherein an inner side of said engine guard at the chassis frame is formed with the inclined segment opposing an exterior surface of said engine." Accordingly, this rejection should be withdrawn.

With respect to the Tanaka et al. reference, the Examiner has alleged that the radiator cover 1 (radiator cover 1, having a front section 10, side section 11 and rear section 12), particularly the rear section 12 of the radiator cover 1 anticipates the engine guard of the claimed invention. The Examiner's interpretation of the Tanaka et al. reference is respectfully traversed. Specifically, Applicants submit that the rear section 12 of the radiator cover 1 of Tanaka et al. does not include an inner side at the chassis frame formed with an inclined surface opposing an exterior surface of the engine. In contrast to the claimed invention, the alleged inclined surface of the rear section 12 of Tanaka et al. is not secured to the chassis in the same manner as the engine guard of the claimed invention.

Without conceding the propriety of the Examiner's rejection, but merely to expedite the prosecution of the present application, Applicants have clarified that the engine guard of the claimed invention includes a hollow portion formed into a substantial U-shape. In addition, the hollow portion includes a horizontal segment extending transversely away from a side of the chassis frame in a horizontal direction, a vertical segment extending generally parallel to the side of the chassis frame, and an inclined segment extending at an inclined angle downwardly away from a lower portion of the vertical segment and toward said chassis frame, wherein an inner side of the engine guard at

the chassis frame is formed with the inclined segment opposing an exterior surface of said engine. This structural relationship is described in greater detail in the present application at pages 6-7 of the present application in connection with FIGs. 4-7. Applicants submit that the Tanaka et al. reference does not appear to teach or suggest any of these features of the unique engine guard of the claimed invention. Accordingly, this rejection should be withdrawn.

With respect to Sako, and the Examiner's rejection of claim 9, the Examiner has failed to establish that any engine guard is present in this reference. Accordingly, the rejections based upon this reference are improper as this reference fails to teach or suggest any engine guard having the original features as described in original claim 9. The Examiner will note that on page 4 of the Office Action, the Examiner has indicated that element "C" in Sako corresponds to the engine guard of the claimed invention. The Examiner has also identified this feature as corresponding to the accessory storage box guard of the claimed invention. Since these limitations refer to separate elements, the Examiner's reliance upon the same element of Sako to teach two separate limitations of the claimed invention is improper. For example, in Sako, the "body cover (C)" refers to a single cover that surrounds most of the body frame assembly, including the front frame Fr, the engine unit Eu, and the rear frame

C. In light of foregoing amendments to the claims, Applicants submit that Sako clearly fails to teach or suggest the engine guard of the claimed invention that includes a hollow portion formed into a substantial U-shape. In addition, the hollow portion includes a unique horizontal segment extending transversely away from a side of the chassis frame in a horizontal direction, a vertical segment extending generally parallel to the side of the chassis frame, and an inclined segment extending at an inclined angle downwardly away from a lower portion of the vertical segment and toward said chassis frame, wherein an inner side of the engine guard at the chassis frame is formed with the inclined segment opposing an exterior surface of said engine. Applicants submit that these features are not taught or suggested by the prior art of record. Accordingly, this rejection should be withdrawn.

With respect to claim 2, the prior art of record fails to teach or suggest the unique combination of limitations of the claimed invention, including the feature(s) of: "said accessory storage box guard further includes said flat surface forming a vertical segment extending generally parallel to the side of the chassis frame, and an inclined segment extending at an inclined angle downwardly away from a lower portion of said vertical segment and toward said accessory storage box." Accordingly, this rejection should be withdrawn.

In Sako, the alleged "accessory storage box guard" is the body cover C described by Sako as covering nearly all of the vehicle body frame. However, the body cover C of Sako does not include any flat surface forming a vertical segment extending generally parallel to the side of the chassis frame, and an inclined segment extending at an inclined angle downwardly away from a lower portion of the vertical segment and toward said accessory storage box. As described in connection with FIG. 8 of the present application, this accessory storage box guard provides a guard for the accessory storage box that also facilitates air flow along the side of the vehicle body. Applicants submit that this feature is not taught or suggested in the Sako reference relied upon by the Examiner.

Claim Rejection Under 35 U.S.C. § 103

Claims 1, 3, 5 and 8 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Sako in view of Official Notice. This rejection is respectfully traversed.

In light of the foregoing amendments to claim 1, Applicants submit that this rejection has been obviated and/or rendered moot. Specifically, the Sako reference does not teach or suggest any of the features of the engine guard of the claimed invention. Accordingly, this rejection should be withdrawn.

In accordance with the above discussion of the patents relied upon by the Examiner, Applicants respectfully submit that these documents, either in combination together or standing alone, fail to teach or suggest the invention as is set forth by the claims of the instant application.

As to the dependent claims, Applicants respectfully submit that these claims are allowable due to their dependence upon an allowable independent claim, as well as for additional limitations provided by these claims.

CONCLUSION

Since the remaining references cited by the Examiner have not been utilized to reject the claims, but merely to show the state-of-the-art, no further comments are deemed necessary with respect thereto.

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

Applicants respectfully petition under the provisions of 37 C.F.R. § 1.136(a) and § 1.17 for a one-month extension of time in which to respond to the Examiner's Office Action. The Extension of Time Fee in the amount of **\$120.00** is attached hereto.

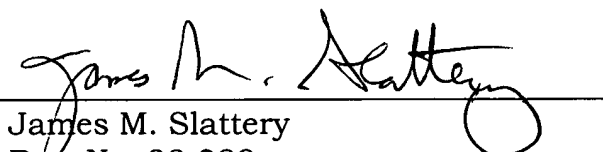
In the event there are any matters remaining in this application, the Examiner is invited to contact Matthew T. Shanley, Registration No. 47,074 at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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